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SUBJECT: PRT DIYALA: LEGAL CONFERENCE IN DIYALA LAYS THE  
GROUNDWORK FOR POLITICAL AND SOCIAL CHANGES

[1](#)1. (U) This is a PRT Diyala Reporting Cable.

[1](#)2. (SBU) SUMMARY: An increased interest in standing up to corrupt practices by government officials is returning to Diyala Province, which hosted a legal conference January 19 and 20 in Ba'aquba, Diyala. PRT Diyala supported the conference. Topics discussed ranged from federalism to economic and agricultural development, to detentions policy and the role of women and juveniles in society. The conference promoted communication between legal professionals and government officials in Diyala. Attendance by high ranking local officials and Embassy Baghdad Anti-Corruption Coordinator Ambassador Joseph Stafford and others elevated the profile of the conference. Post hopes the momentum generated by the conference will lead the Diyala legal and academic communities who sponsored the conference to propose legislative initiatives to strengthen rule of law in Diyala. END SUMMARY.

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BACKGROUND  
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[1](#)3. (U) The PRT has stressed that the organizational lead for the event should come from the Iraqi side rather than from the PRT. The Dean of the Law College of Diyala University, Dr. Abdul Aziz Al Hadethe, mobilized a distinguished steering committee for the conference composed of local legal notables. The Diyala Governor's Legal Advisor, Ms. Lamyaa Ghaban Shalan, provided logistical organization. The PRT initially proposed that the conference focus on anti-corruption efforts. Ultimately, corruption as the sole topic proved too sensitive to serve as the conference's primary focus, but it remained an important element in the program.

[1](#)4. (SBU) At least 60 individuals took part, including Diyala Governor Ra'ad al Tamimi, Deputy Governor Auwf Rahoumi, Assistant Governor Hafiz Abdul Azziz Juma'a Saleh Al Juboori, Diyala Chief Judge Jadu'o Jassim Mohammed, Provincial Council Chairman Ibrahim Bajella, and several additional members of the Diyala Provincial Council. Since Governor Ra'ad claimed to sponsor the conference, his office administered the invitation list. Many members of the Provincial Council (PC) were not invited due to this-)a local newspaper noted the absences. Nevertheless the chair of the steering committee, the presenters, and others assured the PRT Rule of Law (ROL) Officer that the conference was seen as a bold, serious undertaking that has been noticed by the PC and other political organizations for its potential to generate legislative initiatives.

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ANTI-CORRUPTION  
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[1](#)5. (SBU) Although the focus of the conference broadened beyond the original topic of anti-corruption, attendees acknowledged (pressed by Ambassador Stafford's presentation)

the importance of fighting corruption. During his introductory remarks, even Governor Ra'ad alluded to the challenge of addressing corruption in Iraq. Three of the conference sessions dealt specifically with anti-corruption themes; two of these were presentations by Embassy Baghdad officials. Brian Flynn of SIGIR described the role of Inspector Generals in the United States and his activities in Iraq. Vincent Foulk of Embassy Baghdad's Anti-Corruption Office described the legal framework for fighting corruption in Iraq, particularly those powers invested in the Governor that make him the province's chief anti-corruption officer. Foulk stressed the role of a provincial gazette in publicizing the activities of the local government. Local presenter Mustafa Hussain Sewan discussed auditing and monitoring corruption, proposing training programs for monitoring corruption, proposing training programs for auditors. Perhaps due to the sensitive nature of the topic, there were no questions after his presentation. There was also a genuine interest on the part of key interlocutors in Diyala in maintaining and strengthening contact with Ambassador Stafford, Vincent Foulk, and Brian Flynn. Several top officials, e.g., the Chief Justice of Diyala, have proposed visiting the Embassy for follow-up discussions.

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FEDERALISM  
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16. (SBU) Separation of powers was one of the most hotly debated presentations at the conference. The discussion included not only the separate powers of the central government and provinces, but also the separation between legislature, executive, and judiciary. The discussion went

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beyond description and ranged into specific issues such as how power should be balanced. At times, participants appeared to support specific agendas. Earlier, during the opening of the conference, Assistant Governor Emad Jaleel Abdullah (an ethnic Kurd) had called for greater federalism. There was also a call for greater separation of the legislature and the executive by preventing individuals from holding positions in both offices.

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SOCIAL ISSUES  
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17. (SBU) The role of women in reinvigorating the law also generated heated discussion. This presentation, as well as two presentations on the role of youth, focused on sociological factors rather than legal constraints. Presenters discussed a broad range of challenges facing women, from domestic violence and arranged marriages to a lack of economic independence and discriminatory lending practices. A number of men in the audience reacted strongly, asserting that women in Diyala had many opportunities. The presentations on juveniles also focused on sociological factors--specifically, the way that poor social conditions in Iraq (poverty, low family education levels, lack of opportunity and societal violence) lead to juvenile criminal activity, and the way that the criminal justice system has detained but not rehabilitated juveniles. In response to an Iraqi attendee's assertion that Coalition Forces are detaining juveniles, Ambassador Stafford stressed Coalition Forces' commitment to respect the legal rights as well as dignity of all detainees, whether adults or juveniles.

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DETENTIONS AND RECONCILIATION  
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18. (U) Two presentations on human rights and subsequent discussion focused on the issue of detentions, emphasizing that the rights of detainees--and of their families--must be observed. While acknowledging that the situation had

improved somewhat over the last few months, a speaker described abuses such as detaining individuals in undisclosed locations and detaining the relatives of suspects. The speaker also raised the sensitive issues of violence against women held in custody. The presentation moved seamlessly from detainee issues to a discussion of the rights of refugees and Internally Displaced Persons (IDPs)-)two other groups whose human rights have suffered as a result of war. Although the remedies may differ, it is clear that Diyala must address the grievances of victims of war in order to move forward.

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ECONOMICS  
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¶9. (U) On a less somber note, speakers also addressed agriculture and the investment climate in Diyala. Both speakers pointed out the importance of a legal framework to facilitate economic development in Diyala. In particular, they stressed the need for procedures to ensure that businessmen and investors could obtain clear titles to land and buildings. Laws regulating credit, loans and other commercial instruments are also urgently needed.

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FOLLOW-UP  
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¶10. (SBU) During the course of the conference, Governor Ra'ad declared that he wanted to see recommendations for legislation come out of the conference. The organizers took this as a green light not only to present a list of suggestions at the conclusion of the conference, but also to establish a dozen working groups chaired by the conference presenters to further develop specific recommendations for legislative action by the next Provincial Council.

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COMMENT  
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¶11. (U) This conference is all the more significant when  
Q11. (U) This conference is all the more significant when one considers that Al Qaeda in Iraq controlled most of Diyala up to the first half of 2007 and that security is still fragile here. Within this context, simply holding a conference on sensitive rule of law issues and fostering a free-flowing dialogue, makes a public statement that change is coming to Diyala. The public diplomacy impact of this effort is substantial; this conference organized by Diyala's

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legal community has provided a timely stimulus for the revitalization of the rule of law in Diyala which is essential for bringing democracy and stability to the province. END COMMENT.  
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